

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L.I.S.T., Inc., On Behalf of Itself and :
All Others Similarly Situated, : 05 CV 2189 (CM)
: Plaintiffs,
: vs.
: VEECO INSTRUMENTS, INC., EDWARD
BRAUN, and JOHN REIN, JR.,
: Defendants.
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[Additional Caption Set Forth Below]

**MOTION OF THE CAPITANIO GROUP FOR CONSOLIDATION, APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL**

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ROY P. KERSHAW, Individually and On Behalf :
of All Others Similarly Situated, : 05 CV 2929 (CM)
: Plaintiffs,
: vs.
: VEECO INSTRUMENTS, INC., EDWARD
BRAUN, and JOHN REIN, JR.,
: Defendants.
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Movants, (as defined in the accompanying Memorandum of Law), upon the Declaration of Aaron L. Brody, dated April 18, 2005, and the exhibits annexed thereto, the accompanying Memorandum of Law, all of the prior pleadings and proceedings had herein, and such other evidence as the Court may consider at the hearing on this motion, hereby respectfully move this Court for an order in the form filed herewith: (i) consolidating all of the above referenced actions; (ii) appointing the Capitanio Group as lead plaintiff in the above-referenced action pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”); and (iii) approving Movants' selection of Lead Counsel.

Dated: April 18, 2005

Respectfully submitted,

STULL, STULL & BRODY

By: /s/ Aaron Brody
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**Proposed Lead Counsel For
Plaintiffs and The Class**